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## NOTICE OF ALLOWANCE AND FEE(S) DUE

22850

7590

12/15/2009

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

AGWUMEZIE, CHARLES C

ART UNIT

PAPER NUMBER

3685

DATE MAILED: 12/15/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,242	10/31/2003	Kaoru Kijima	244666USGX	9916
TITLE OF INVENTION: INFORMATION SERVICE METHOD, INFORMATION SERVICE UNIT, RECORDING OR REPRODUCING CONTROLLING METHOD, AND RECORDING AND/OR REPRODUCING UNIT				

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	03/15/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE** OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to:** **Mail** **Mail Stop ISSUE FEE**  
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**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
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**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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22850 7590 12/15/2009

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

**OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.**  
**1940 DUKE STREET**  
**ALEXANDRIA, VA 22314**

**Certificate of Mailing or Transmission**  
 I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/697,242 10/31/2003 Kaoru Kijima 244666USGX 9916

**TITLE OF INVENTION:** INFORMATION SERVICE METHOD, INFORMATION SERVICE UNIT, RECORDING OR REPRODUCING CONTROLLING METHOD, AND RECORDING AND/OR REPRODUCING UNIT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	03/15/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
AGWUMEZIE, CHARLES C	3685	705-059000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2  
 3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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10/697,242	10/31/2003	Kaoru Kijima	244666US6X	9916
22850	7590	12/15/2009	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			AGWUMEZIE, CHARLES C	
			ART UNIT	PAPER NUMBER

3685

DATE MAILED: 12/15/2009

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 493 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 493 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability****Application No.**

10/697,242

**Applicant(s)**

KJIMA ET AL.

**Examiner**

CHARLES C. AGWUMEZIE

**Art Unit**

3685

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to August 14, 2009.
2. ☐ The allowed claim(s) is/are 1,2,5,7-11,14,15,17-21,24-27 and 30-32.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 11/7/06 and 3/13/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

/Charlie C. Agwumezie/  
Primary Examiner, Art Unit 3685  
December 4, 2009

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Andrew T. Harry on December 4, 2009.

### **Acknowledgments**

2. Applicants' amendments filed on August 1, 2008 is acknowledged. Accordingly claims 1-2, 5, 7-11, 14-15, 17-21, 24-27, and 30-32 are allowed subject to the examiner's amendment.

3. The Application has been amended as follows:

1. (Currently Amended) An information service method, comprising:

recording identification information unique to a non-recordable data recording medium to the data recording medium;

correlatively storing the identification information and management information corresponding to the data recording medium at a management server;

reading, at a client device, the identification information from the data recording medium ~~when data is reproduced from the data recording medium;~~

transmitting, from the client device, the identification information read from the data recording medium to a communication network;

receiving, at the management server, the transmitted identification information and reading the management information correlated with the identification information;

outputting the read management information from the management server to the client device;

transmitting, from the client device, the identification information and information that represents a use mode of the data recording medium to the management server;

updating, at the server, the management information each time the identification information and information that represents a use mode of the data recording medium is received from the client device; and

reproducing, at the client device, the content data on the data recording medium in accordance with the ~~provided~~ management information received from the management server.

2. (Original) The information service method as set forth in claim 1,

wherein the data recording medium is an optical disc of which a reproduction signal is obtained in accordance with reflected light of radiated light.

Art Unit: 3685

3-4. (Canceled)

5. (Previously Presented): The information service method as set forth in claim 1, further comprising:

setting the management information when the data recording medium is obtained, wherein the management information that is correlated with the identification information and stored is set in accordance with the management information that has been set when the data recording medium is obtained.

6. (Canceled)

7. (Previously Presented) The information service method as set forth in claim 1, further comprising:

issuing key data that allows the content data recorded on the data recording medium to be reproduced in accordance with the management information that has been read.

8. (Previously Presented) The information service method as set forth in claim 7, wherein the key data issued is transmitted to a reproducing side that reproduces data from the data recording medium through the communication network.

9. (Previously Presented) The information service method as set forth in claim 7,

wherein license information for content data recorded on the data recording medium is added to the key data issued in accordance with the management information and transmitted through the communication network.

10. (Currently Amended) An information service system, comprising:

an identification information recording unit programmed ~~configured~~ to record identification information unique to a non-recordable data recording medium to the data recording medium;

an information terminal unit having:

a reproducing unit programmed ~~configured~~ to reproduce data from the data recording medium, and

an identification information reading unit programmed ~~configured~~ to read the identification information from a reproduction output of the reproducing unit; and

a server unit having:

a memory programmed ~~configured~~ to correlatively store the identification information and management information corresponding to the data recording medium, and the server unit is programmed ~~configured~~ to read the management information stored by the memory in accordance with the identification information transmitted from the information terminal unit and provide the management information to the information terminal unit, wherein



said terminal unit is ~~programmed~~ configured to reproduce the data on the data recording medium in accordance with the provided management information, said terminal unit is programmed to reproduce ~~when data is reproduced~~ from the data recording medium and transmit the identification information ~~that has been~~ read from the data recording medium and information that represents a use mode of the data recording medium ~~are transmitted from the information terminal unit to the server unit,~~ and

the server unit is ~~programmed~~ configured to rewrite the management information in accordance with the identification information and the information that represents the ~~uses state~~ use mode that have been transmitted.

11. (Original) The information service system as set forth in claim 10,

wherein the data recording medium is an optical disc of which a reproduction signal is obtained in accordance with reflected light of radiated light.

12-13. (Canceled)

14. (Currently Amended) The information service system as set forth in claim 10, further comprising:

an identification information reading unit programmed ~~configured~~ to read the identification information recorded on the data recording medium and transmit the identification information to the server unit when the data recording medium is obtained.

15. (Currently Amended) The information service system as set forth in claim 14, wherein the identification information reading unit is programmed ~~configured~~ to set users license for the data recording medium and transmit the license to the server unit along with the identification information.

16. (Canceled)

17. (Currently Amended) The information service system as set forth in claim 10, wherein when data is reproduced from the data recording medium by the reproducing unit, the information terminal unit is programmed ~~configured~~ to transmit the identification information that has been read by the identification information reading unit to the server unit, and wherein the server unit is programmed ~~configured~~ to issue key data that allows content data recorded on the data recording medium to be reproduced in accordance with the management information that has been read from the memory in accordance with the

identification information that has been transmitted and transmit the key data to the information terminal unit.

18. (Original) The information service system as set forth in claim 17, wherein license information for content data recorded on the data recording medium is added to the key data in accordance with the management information.

19. (Currently Amended) The information service system as set forth in claim 10, wherein the information terminal unit is programmed ~~configured~~ to store a part of the management information.

20. (Currently Amended) A reproducing or recording controlling method, comprising:

reading, at a client device, identification information that is unique to a non-recordable data recording medium from the data recording medium;

transmitting, from the client device, the read identification information to a server unit that has correlatively stored the identification information and management information corresponding to the data recording medium;

receiving, at the client device, the management information correlated with the transmitted identification information from the server unit;

controlling, at the client device, whether to reproduce the content data from the data recording medium or to record the content data reproduced from the data recording medium to another recording medium based on the received management information;

transmitting, from the client device, the identification information and information that represents a use mode of the data recording medium to the server unit; and

updating, at the management server, the management information each time the identification information and information that represents a use mode of the data recording medium is received from the client device.

21. (Original) The reproducing or recording controlling method as set forth in claim 20, wherein the data recording medium is an optical disc of which a reproduction signal is obtained in accordance with reflected light of radiated light.

22-23. (Canceled)

24. (Currently Amended) The reproducing or recording controlling method as set forth in claim 20,

wherein the server unit is programmed ~~configured~~ to transmit key data that has been issued by the server unit in accordance with the management information correlated

with the identification information, the key data being programmed ~~configured~~ to control whether to reproduce content data recorded on the data recording medium or to record the content data recorded on the data recording medium to another recording medium.

25. (Original) The reproducing or recording controlling method as set forth in claim 24, wherein license information for the content data recorded on the data recording medium is further added to the key data in accordance with the management information.

26. (Currently Amended) A reproducing and/or recording controlling apparatus, comprising:

identification information reading unit programmed ~~configured~~ to read identification information unique to a non-recordable data recording medium from the data recording medium;

identification information transmitting unit programmed ~~configured~~ to transmit the read identification information to a server unit that has correlatively stored the identification information and management information corresponding to the data recording medium;

receiving unit programmed ~~configured~~ to receive from the server unit the management information correlated with the identification information;

controlling unit programmed to determine whether to reproduce the content data from the data recording medium or to record the content data reproduced from the data recording medium to another data recording medium in accordance with the management information received by the receiving unit;

transmitting unit programmed to transmit the identification information and information that represents a use mode of the data recording medium to the server unit; and

the receiving unit programmed to receive, from the management server, management information that is updated each time the identification information and information that represents a use mode of the data recording medium is received.

27. (Previously Presented) The reproducing and/or recording controlling apparatus as set forth in claim 20,

wherein the data recording medium is an optical disc of which a reproduction signal is obtained in accordance with reflected light of radiated light.

28-29. (Canceled)

30. (Currently Amended) The reproducing and/or recording controlling apparatus as set forth in claim 26,

wherein the receiving unit is programmed ~~configured~~ to receive key data issued by the server unit in accordance with the management information correlated with the identification information, the key data programmed ~~configured~~ to control whether to reproduce the content data recorded on the data recording medium or to record the content data recording on the data recording medium to another recording medium.

31. (Previously Presented) The reproducing and/or recording controlling apparatus as set forth in claim 30,

wherein license information for the content data recorded on the data recording medium is further added to the key data in accordance with the management information.

32. (Currently Amended) The reproducing and/or recording controlling apparatus as set forth in claim 26,

wherein the apparatus is programmed ~~configured~~ to store a part of the management information.

4. Claims 1-2, 5, 7-11, 14-15, 17-21, 24-27 and 30-32 have been allowed.

### **Reasons for Allowance**

4. The following is an examiner's statement of reasons for allowance:

The closest prior art of record are U.S. Patent Application Publication No. 2003/0200216 A1 to Hayes et al and U.S. Patent Application Publication No. 2002/0138442 A1.

Regarding the claimed terms, the Examiner notes that a "general term must be understood in the context in which the inventor presents it." In re Glaug F.3d 1335, 1340, 62 USPQ2d 1151, 1154 (Fed. Cir. 2002). Therefore the Examiner must interpret the claimed terms as found on pages 1-39 of the specification. Clearly almost all the general terms in the claims may have multiple meanings. So where a claim term "is susceptible to various meanings, the inventor's lexicography must prevail...." Id. Using these definitions for the claims, the claimed invention was not reasonably found in the prior art.

5. The primary reference Hayes et al (Patent Application Publication No. 2003/0200216 A1) teaches or describes various variations in which a user receives a physical CD and transmits an ID unique to the CD (or the client device) when the CD is reproduced at the at the client device. When the central access control system determines that the user is authorized to access the content on the CD based on the received identification information, a key is transmitted from the central access control system to the client device.

Hori relates to system in which a personal computer 60 obtains music data and identification information of the music data from a CD and transmits the identification information to a license management server 11. The personal computer 60 receives an



encryption key and additional information of the music data from the license management server and encodes the music data to generate content data and encrypts the content data with an encryption key to generate encrypted content data, which is uploaded to the personal computer together with the additional information. Thus, in Hori, once the additional data is retrieved at the personal computer 60, the license processing appears to occur at only at the personal computer 60 without any further interaction with the license management server 11.

Hayes and Hori, either alone or in proper combination fails however to at least teach or describe "transmitting the identification information and information that represents a use mode of the data recording medium to the management server" and "updating, at the management server, the management information each time the identification information and information that represents a use mode of the data recording medium is received," as required by the independent Claims.

Moreover, the missing claimed elements from Hayes are not found in a reasonable number of reference(s). Yet even if the missing claimed elements were found in a reasonable number of references, a person of ordinary skill in the art at the time the invention was made would not have been motivated to include these missing elements in an embodiment in the Hayes disclosure because: such would have changed the basic working principles and the operation of Hayes which is silent on "transmitting the identification information and information that represents a use mode of the data recording medium to the management server" and "updating, at the management server, the management information each time the identification

information and information that represents a use mode of the data recording medium is received," as required by the independent claims.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

4. The prior arts made of record and not relied upon is considered pertinent to applicants disclosure.

- Inoue et al (U.S. Patent Application Publication No. 2004/0117309 A1) discloses Content Management System and Information Recording system.
- Hurtado et al (U.S. Patent Application Publication No. 2003/0105718 A1) discloses Secure Electronic Content Distribution on CDS and DVDs.
- Miura et al (U.S. Patent Application Publication No. 2002/0178376 A1) discloses Content Management System, Content Management Terminal, Usage Rules Management Server, Content Management Method, and Content Management Program.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Agwumezie whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Calvin Hewitt** can be reached on **(571) 272 – 6709**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charlie C Agwumezie/  
Primary Examiner, Art Unit 3685  
December 4, 2009